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11 *Attorneys for Plaintiff, Deutsche Bank National Trust Company as Trustee for Morgan Stanley*  
12 *ABS Capital I Inc. Trust 2006-NC5, Mortgage Pass-Through Certificates, Series 2006-NC5*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

15 DEUTSCHE BANK NATIONAL TRUST  
16 COMPANY AS TRUSTEE FOR MORGAN  
17 STANLEY ABS CAPITAL I INC. TRUST  
18 2006-NC5, MORTGAGE PASS-THROUGH  
19 CERTIFICATES, SERIES 2006-NC5

20 Plaintiff,

21 vs.

22 NORTH AMERICAN TITLE INSURANCE  
23 COMPANY, INC. and ROE CORPORATIONS  
24 XI through XX, inclusive,

25 Defendants.

Case No.: 2:22-cv-00547-GMN-BNW

**STIPULATION AND ORDER FOR  
LIMITED STAY OF CASE**

26 Plaintiff, Deutsche Bank National Trust Company as Trustee for Morgan Stanley ABS  
27 Capital I Inc. Trust 2006-NC5, Mortgage Pass-Through Certificates, Series 2006-NC5  
28 (“Plaintiff”) and Defendant North American Title Insurance Company, Inc. (“Defendant”, and  
with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as  
follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and  
Defendant disputes, that the title insurance claim involving an HOA assessment lien and  
subsequent sale was covered by the subject policy of title insurance. There are now currently  
pending in the United States District Court for the District of Nevada and Nevada state courts

1 more than one-hundred actions between national banks, on the one hand, and title insurers, on the  
2 other hand. In virtually all of these actions, the title insurer underwrote an ALTA 1992 or ALTA  
3 2006 loan policy of title insurance with form 1 coverage, along with the CLTA 100/ALTA 9  
4 and/or CLTA 115.2/ALTA 5 Endorsements.

5 The Parties have conferred and believe a limited six-month stay is warranted. The  
6 *PennyMac Corp. v. Westcor Land Title Ins. Co.*, Nevada Supreme Court Case No. 83737  
7 (“*PennyMac*”) appeal remains pending. Additionally, there is another fully briefed appeal to the  
8 Nevada Supreme Court involving a similar coverage dispute in *Deutsche Bank Nat’l Trust Co. v.*  
9 *Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche Bank*”). Both  
10 *PennyMac* and *Deutsche Bank* are fully briefed, and oral argument has been set for April 11,  
11 2023.<sup>1</sup> The Parties anticipate that the Nevada Supreme Court’s decisions in the foregoing appeals  
12 may touch upon issues regarding the interpretation of policy and claims handling, that could  
13 potentially affect the disposition of the instant action.

14 Accordingly, the Parties believe a stay of six months in the instant action will best serve  
15 the interests of judicial economy. The Parties request that the action be stayed for six months,  
16 through and including, September 7, 2023. The Parties are to submit a Joint Status Report on or  
17 before September 7, 2023. The Parties further agree that this stipulation and stay of this case is  
18 entered based on the specific circumstances surrounding this particular case, and that this  
19 stipulation shall not be viewed as a reason for granting a stay in any other pending matter.

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25 <sup>1</sup> There are also two separate appeals with the Ninth Circuit involving similar coverage disputes.  
26 The appeal in *Wells Fargo Bank, N.A. v. Commonwealth Land Title Ins. Co.*, Case No. 19-16181  
27 is fully briefed, but the Ninth Circuit has deferred its decision pending the *PennyMac* and  
28 *Deutsche Bank* appeals. See Dkt. Ent. 75. The appeal in *U.S. Bank Nat’l Ass’n v. Stewart Title*  
*Guaranty Co.*, Case No. 22-17015 is in the early stages of briefing with U.S. Bank’s opening brief  
currently due March 30, 2023.

